

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVITA M. KEY,

Plaintiff,

v.

HYUNDAI MOTOR  
MANUFACTURING, ALABAMA,  
LLC; HYUNDAI ENG AMERICA,  
INC.; and DYNAMIC SECURITY,  
INC.

Defendants.

Case No. 2:19-CV-767-ECM

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**PLAINTIFF'S WILL USE EXHIBIT 32**

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Fw: Notice of Charge of Discrimination

From: Sherry Spires (sspires@dynamicsecurity.org)

To: klriddle@dynamicsecurity.org

Cc: rcureton@dynamicsecurity.org

Date: Friday, August 11, 2017 at 09:40 AM CDT

Kristal,

See email below I got from Ray this morning. Re: EEOC Charge from Davita Key. I knew this was coming from day one so I built my file on her which is attached. Ray is going to send Job Refusal(s) as well as a statement from Nicole on Monday.

Sherry

----- Forwarded Message -----

**From:** Ray Cureton <rcureton@dynamicsecurity.org>

**To:** Sherry Spires <sspires@dynamicsecurity.org>

**Sent:** Friday, August 11, 2017 9:12 AM

**Subject:** Fw: Notice of Charge of Discrimination

Sherry,

I just received this e-mail from the EEOC.

Do I need to follow these instructions since I am named on this complaint?

Please advise.

THANKS!

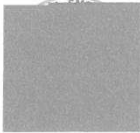
Dr. Ray H. Cureton  
*District Manager,*  
Dynamic Security, Inc.

5510 Wares Ferry Rd,  
Montgomery, AL 36117  
Office - (334) 395-7722  
Cell (334) 324-8117

----- Forwarded Message -----

**From:** U.S. Equal Employment Opportunity Commission <noreply@eeoc.gov>  
**To:** rcureton@dynamicsecurity.org  
**Sent:** Friday, August 11, 2017 8:56 AM  
**Subject:** Notice of Charge of Discrimination

**U.S. Equal Employment Opportunity Commission  
Birmingham District Office  
Ridge Park Place  
1130 22nd Street  
Birmingham, AL 35205**



**NOTICE OF CHARGE OF DISCRIMINATION**  
**(This Notice replaces EEOC FORM 131)**

**DIGITAL CHARGE SYSTEM**

August 11, 2017

To:  
Ray Cureton  
District Manager  
DYNAMIC SECURITY INC.  
rcureton@dynamicsecurity.org

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Davita M. Key, under: Title VII of the Civil Rights Act (Title VII). The circumstances of the alleged discrimination are based on Retaliation, Race, and Sex, and involve issues of Harassment, Intimidation, and Discharge that are alleged to have occurred on or about Jul 21, 2017 through Aug 01, 2017.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access EEOC's secure online system: <https://nxg.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 846-2017-32787
3. Enter this temporary password: nk3864se

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses, and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding the Digital Charge System, you can send an email to [birmingham.intake@eeoc.gov](mailto:birmingham.intake@eeoc.gov).

**Preservation of Records Requirement**

EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <http://eeoc.gov/employers/recordkeeping.cfm>.

**Non-Retaliation Requirements**

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are



instructed to notify EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

### **Legal Representation**

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.



## **U.S. Equal Employment Opportunity Commission FEDERAL INVESTIGATION: REQUEST FOR POSITION STATEMENT AND SUPPORTING DOCUMENTARY EVIDENCE**

EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for EEOC's consideration.

We recommend you review EEOC's resource guide on "[Effective Position Statements](#)" as you prepare your response to this request.

### **Fact-Based Position Statement**

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non-confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

### **Signed by an Authorized Representative**

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.

### **Segregate Confidential Information into Separately Designated Attachments**

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled "Sensitive Medical Information," "Confidential Commercial or Financial Information," or "Trade Secret Information" as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the Charging Party is not sensitive or confidential medical information in relation to EEOC's investigation. Segregate the following information into separate attachments and designate them as follows:

- a. Sensitive medical information (except for the Charging Party's medical information).
- b. Social Security Numbers
- c. Confidential commercial or financial information.
- d. Trade secrets information.
- e. Non-relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
- f. Any reference to charges filed against the Respondent by other charging parties.

### **Requests for an Extension**

If Respondent believes it requires additional time to respond, it must, at the earliest possible time in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply. Submitting a written request for extension of time does not automatically extend the deadline for providing the position statement.

### **Upload the Position Statement and Attachments into the Respondent Portal**

You can upload your position statement and attachments into the Respondent Portal using the **+ Upload Documents** button. Select the "Position Statement" Document Type and click the **Save Upload** button to send the Position Statement and attachments to EEOC. Once the Position Statement has been submitted, you will not be able to retract it via the Portal.

Please retain this notice for your records.

*Notice of Confidentiality: The information contained in this transmission may contain privileged and confidential information, including information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited and may be unlawful. If you are not the intended recipient, please contact us at [digital-support@eeoc.gov](mailto:digital-support@eeoc.gov) and destroy all copies of the original message and attachments.*



Virus-free. [www.avast.com](http://www.avast.com)



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